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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by Asociación Española para el Derecho Internacional de los Derechos Humanos AEDIDH, American Association of Jurists, Arab African American Womens' Leadership Council Inc., Association Graines de Paix, Association Mauritanienne pour la promotion du droit, Association pour l'Intégration et le Développement Durable au Burundi, Atheist Alliance International, Bangwe et Dialogue, Centre for Democracy and Development, Cultural Survival, Fondation pour le Dialogue des Civilisations, General Arab Women Federation, Indigenous World Association, Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, International Association of Peace Messenger Cities, International Federation of Women in Legal Careers, International Federation of Women Lawyers, International Institute for Child Protection, International Movement Against All Forms of Discrimination and Racism (IMADR), International Organization for the Elimination of All Forms of Racial Discrimination, Mama Zimbi Foundation, Mothers Legacy Project, Organisation for Gender, Civic Engagement & Youth Development (OGCEYOD), Pax Christi International, International Catholic Peace Movement,

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2015]

Civil society position on the draft Declaration on the Right to Peace

On behalf of the 91 worldwide CSO which are endorsing this declaration, the **Spanish Society for International Human Rights Law** would like to remind that resolution 20/15 of the Human Rights Council, of 5 July 2012, established the working group with the mandate of "progressively negotiating a draft United Nations declaration on the right to peace, on the basis of the draft submitted by the Advisory Committee, and without prejudging relevant past, present and future views and proposals"[1]. This resolution was adopted with a broad majority and only one vote against (United States).

The *Declaration on the right to peace* adopted in April 2012 by the Advisory Committee[2] defined the essential elements of the human right to peace following the ones developed by the international civil society in the *Santiago Declaration on the Human Right to Peace*, of 10 December 2010.

Both documents identified the following essential elements: right to human security; right to disarmament; right to peace education and training; right to conscientious objection to military service; right to resistance and opposition to oppression; the duty to regulate the conduct and responsibilities of both private military and security companies and peacekeeping missions; the right to development; the right to environment; the right of victims of human rights violations to truth, justice, reparation and guarantees of non-repetition; the rights of people belonging to vulnerable groups; the rights of refugees and migrants; and the establishment of a monitoring body to control the implementation of the future Declaration which, in our view, should be a working group of independent experts on the human right to peace, to be appointed by the General Assembly.

The Chairperson-Rapporteur of the Working Group reiterated during his mandate the intention to seek consensus among States about the elements of the future Declaration. As a result, in June 2014, he submitted to the Working Group a minimum draft Declaration composed by four articles, which do not take into account none of the elements considered essential by both the Advisory Committee and the international civil society[3]. This draft Declaration would mean an unacceptable regression in connection to the Declaration on the Right of Peoples to Peace adopted by the General Assembly in 1984. It does not even recognize the existence of the human right to peace.

During the two sessions of the Working Group held to date, some developed States led by the United States refused to engage in a real negotiation in accordance with the mandate of the Working Group. Thus, during the first session, those States denied the existence of the human right to peace, since there would not be legal foundations for its recognition[4]. That position was reiterated during the second session in which, following the new approach proposed by the Chairperson-Rapporteur, those States preferred to focus the debate in the existing relationship between peace and human rights[5].

Accordingly, the resolutions adopted by the Human Rights Council on the right to peace in 2013 and 2014, showed the refusal of some developed States to negotiate a real declaration on the human right to peace, even refusing the

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[1] Res 20/15, of 5 July 2012. Adopted by 34 votes in favour (Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay), 12 abstentions (Austria, Belgium, Czech Republic, Hungary, India, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland) and one vote against (United States of America).

[2] Doc. A/HRC/20/31, of 16 April 2012.

[3] See doc. A/HRC/27/63, of 3 July 2014, Annex II. It can be considered that only two articles have an operational nature, referring in particular to the right of every person to the promotion and protection of human rights, especially the right to life (art. 1), and the duty of the States to enhance the principles of freedom from fear and want, equality and non-discrimination, and justice and the rule of law (art. 2). The other articles refer to the duty of States and international organizations to take action (unspecified) to implement the declaration (art. 3) and to its interpretation (art. 4).

[4] See the report of the first session of the Working Group: A/HRC/WG.13/1/2; General comments, pars. 18 – 29, especially pars. 21 y 23.

[5] See the report of the second session of the Working Group: A/HRC/27/63, General Comments, pars 19-26, especially par. 22

continuation of the Working Group in 2014 and 2015[6].

This situation highlights the exhaustion of the consensus approach supported by the Chairperson-Rapporteur, since the negotiation cannot proceed as long as some developed States refuse the very existence of the human right to peace.

Therefore, the undersigned CSO request the Working Group:

1. To come back to Human Rights Council resolution of 2012, which had only one vote against (United States) and resume the original mandate of the Working Group.
2. Based on a majority of States which are in favour of the human right to peace, the Working Group should initiate a real negotiation of the future UN Declaration on the basis of the declaration adopted by the Advisory Committee in 2012, which was inspired in the *Santiago Declaration* adopted in 2010 by international civil society.
3. Affirm the human right to peace as an autonomous right, deeply rooted in international human rights law. In this way it can be ensured that the future UN Declaration on the human right to peace will constitute an added value to the current international human rights law, as well as a significant progress in the promotion of peace and human rights worldwide.

*Observatorio Internacional del Derecho Humano a la Paz, Louis D. Brown Peace Institute, UN Association of the USA, San Diego Chapter (UNA-USA San Diego), Soldepaz – Pachakuti, Asociación para la Recuperacion de la Memoria Histórica de Cataluña "ARMHC", Democracy Today, Instituto de Derechos Humanos Sri Aurobindo de Madrid (IDH Sri Aurobindo), IDRP, Institut de documentation et de recherche sur la paix, Fundación Seminario de Investigación para la Paz, Fundación Internacional Baltasar Garzón, Asociación de Familias y Mujeres del Medio Rural (AFAMMER), International Federation for Peace and Conciliation, International-Lawyers.Org, FIHC Unum Omnes, Beati i costruttori di pace, Asociación Pro Derechos Humanos España, Observatorio Venezolano de Prisiones, Comisión Nacional de Derechos Humanos de la Federación de Colegios de Abogados de Venezuela, FUNPAZ, COFAVIC, Centro Internacional por la Paz CIPAZ, Acción Solidaria en VIH/Sida, CIVILIS Derechos Humanos, Sinergia, Asociación Venezolana de Organizaciones de Sociedad Civil, Instituto de Estudios Internacionales-IDEI-BOLIVIA, Plataforma por la Comisión de la Verdad, Mil Milenios de Paz, Bureau for Reconstruction and Development, CEPAZ: Centro de Justicia y Paz, Geneva International Centre for Justice, Arab Lawyers Association (UK), BRussels Tribunal, Association of Humanitarian Lawyers, Iraqi Commission on Human Rights, International Society of Iraqi Scientists, Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, International League of Iraqi Academics, General Federation of Iraqi Women, Red de Semillas Libres de Chile, Women Will Association, Association of Human Rights Defenders in Iraq, National Institution of Social Care and Vocational Training (Beit Atfal Assumoud), Italian Campaign for the Recognition of the Human Right to Peace, RET, Protecting Through Education ,Buenmundo, Fundación Suma Veritas, NGOs without consultative status, also share the views expressed in this statement.

[6] See resolution 23/16, of 13 June 2013, which calls the Working Group for a second session, adopted with the vote against of Austria, Czech Republic, Estonia, Germany, Japan, Montenegro, Republic of Korea, Spain, United States of America; and resolution 27/17, of 25 September 2014, which calls the third session of the Working Group, adopted with the opposition of Austria, Czech Republic, Estonia, France, Germany, Japan, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, and the United States of America